IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15138 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SABARKANTHA DISTRICT CO OP MILK PRODUCERS UNION LTD.
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 15138 of 2004
MR HARIN P RAVAL for Petitioner No. 1-2
MRS MANISHA SHAH AGP for Respondent No. 1-4
RULE SERVED BY DS for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 18/12/2004

ORAL JUDGEMENT

1. The petitioners herein have preferred this petition in order to challenge the action of respondent no.2 purporting to exercise powers under Section 80(2) of the Gujarat Cooperative Societies Act, 1961, whereby three Government nominees were proposed to be appointed to the Board of Directors of the petitioner Society.

2. Mr.Sonvande, Dy.Secretary, Agriculture and Co-operation Department, Government of Gujarat, is present in the Court. He has made a statement that the respondent authorities will withdraw the impugned Notice

dated 18/10/2004 at Annexure-H to the petition and that the decision of this Court rendered in Special Civil Application No.10252 of 2003 and group dated 15/06/2004 at Annexure-G to the petition which is on the subject matter will be followed.

3. In view of the statement made by the Dy.Secretary of respondent no.1, the respondents are permitted to withdraw the impugned Notice dated 18/10/2004 and it is expected that the respondents shall follow the directions issued by this Court in the aforesaid Special Civil Applications, at Annexure-G to the petition.

4. After following the directions issued by this Court in the aforesaid Special Civil Applications, the respondents authorities are permitted to issue Notice afresh. However, it is made clear that the respondent authorities shall give reasons, as directed by this Court in the aforesaid Special Civil Applications, and appropriate orders may be passed only after hearing the petitioners.

5. Now, since the Notice dated 18/10/2004 at Annexure-H to the petition has been withdrawn, the prayer claimed by the petitioners in this petition has substantially complied with. Hence, nothing remains to be done in the matter. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. Jhaveri, J.)
pravin/